



RELIGIOUS EXPRESSION, CORPORATE BRANDING, AND THE IMAGE OF THE GAME: LEGAL BOUNDARIES IN SPORTS GOVERNANCE



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ABSTRACT

This paper critically examines the seeming conflict between players' rights to express their religious beliefs and the authority of the governing bodies and clubs to regulate conduct in order to preserve the commercial integrity and ideological neutrality of the sport. Using recent incidents involving Liverpool forward, *Cody Gakpo*, Crystal Palace Defender, *Marc Guehi*, *Husain Abdullah*, *Joseph Kennedy*, *The French Football Federation* and many other precedent-setting cases including *Kaka's* shirt display, this article investigates the legal conundrum engendered by the seeming limitations on such expressions. It further interrogates the extent of the restrictions imposed by these organizations and associations in compliance with human rights law, and how those restrictions relate to commercial objectives and public perceptions in modern sports.

INTRODUCTION

Modern professional sports occupy a paradoxical space as it is both a platform for global cultural expressions while being a carefully curated commercial product. Players, as both employees and public figures, carry unique expressive power – particularly when they invoke religion, politics, or identity on the field. However, this expressive power can equally conflict with the strict regulatory frameworks of governing bodies, which prioritize brand neutrality and board appeal.

The incident triggering this article, although not new within the confines of modern sport, involves *Liverpool* forward *Cody Gakpo* who revealed a vest inscribed with “*I belong to Jesus*” after scoring a goal in a recent EPL game against *Tottenham Hotspurs*, where *Liverpool* was confirmed as the new English Champions represents a flashpoint in this ongoing legal and cultural debate. While *Gakpo's* conduct was not formally sanctioned beyond a routine reminder of the regulatory restrictions in this regard, the case raises critical questions about freedom of religion, contractual obligations and the branding strategies of sport organizations.

REGULATORY FRAMEWORKS: FIFA, IFAB, FA, NFL, UEFA, THE FFBB & OTHERS

Under *Law 4.5 of the IFAB Laws of the Game*, players' equipment must not display “any political, religious or personal slogans, statements or images.” Violations can result in sanctions from the competition organizer, national football association or FIFA. The FA, following IFAB's guidance, has generally applied a “reminder” policy unless the expression is deemed inflammatory or repetitive.

In recent years, the French Government has sponsored the passing of a “law on secularism in sports” which inherently prohibits the “*wearing of any sign or clothing that ostentatiously displays political or religious affiliation*” during all sports competitions, excludes any use of sports equipment made available by a local authority to



practice a religion, and imposes “*respect for the principles of public service neutrality and secularism*” in swimming pools. The Bill is currently backed and sponsored by Prime Minister Francois Bayrou and government heavyweights, including Justice Minister Gerald Darmanin and Interior Minister Bruno Retailleau, who described the wearing of the hijab as a form of “entryism”.

Notably, the National Football League’s Rulebook does not make provisions for outright ban of any display related or connected with religious displays. However, its rule on celebrations have been extended to affect religious displays. According to *Rule 12, Section 3, Article 1(f) of the NFL Rulebook*, players are prohibited from engaging in celebrations or demonstrations while on the ground. This rule aims to curb excessive or prolonged celebrations that may delay the game or be deemed unsportsmanlike. Notably, the NFL has made exceptions for religious expressions.

REAL-LIFE SCENARIOS

■ **Husain Abdullah’s Islamic Celebration**


In the year 2014, Husain Abdullah vowed that he would celebrate his touchdown by prostrating to God at the endzone. Upon getting the well-awaited pick, he immediately bowed and fulfilled his vow. His celebration was met with a penalty flag call by the referee and punished with fifteen yards for excessive celebration. Although the NFL Spokesman – at the time – came out to publicly say that Abdullah should have not been penalized, the situation gave rise to the discussion on double standards, discrimination and an outright misstep by the league.

■ **Kennedy v. Bremerton School District**

Joseph Kennedy was a high school football coach within the public school system of Bremerton, Washington. Kennedy had developed a routine of praying at midfield immediately following each game, a practice that was eventually joined by players and others. The school board expressed concern that this could be perceived as a violation of the Establishment Clause, which mandates the separation of church and state. They sought to reach a compromise with Kennedy, suggesting he pray at a different location or time. However, Kennedy persisted with the practice. Consequently, his contract was not renewed, prompting him to file a lawsuit against the board. The lower courts, including the Ninth Circuit, ruled in favour of the school board, supporting their position based on the Establishment Clause. The U.S. Supreme Court granted review of the case in January 2022 and heard arguments in April. The conservative justices appeared inclined to support Kennedy, while signalling a narrow ruling. On June 27, 2022, the Court reversed the Ninth Circuit’s decision in a 6–3 vote. Justice Gorsuch wrote the majority opinion, with Justice Sotomayor dissenting, and Justices Thomas and Alito filing concurring opinions.

■ **France Secularism, the Olympics & the FFBB**

France’s strict secularism laws, known as “*laïcité*,” prohibit the display of religious symbols by public servants, including athletes representing the nation. As France prepared to host the Olympics, these laws were emphasized to maintain neutrality in public spaces. While intended to uphold secularism, such restrictions have been criticized for



potentially infringing on individual religious freedoms.

In December 2022, the FFBB introduced a new Article 9.3 to the General Sports Regulations which expressly bans “*the wearing of any equipment with a religious or political connotation in competitions.*” Although these bans are not expressly targeted towards a particular religion, the general attitude and demeanour of the state pushes to rationally conclude that the intention was geared towards the Islamic religion.

■ **Cody Gakpo v. The English FA**

In the title-sealing match for Liverpool Football Club, its forward – Cody Gakpo – removed his jersey after scoring to reveal a vest with the words “*I belong to Jesus*” inscribed on it. In its usual pattern, as appears when related to Christian displays, the FA issued a reminder as opposed to a formal sanction provided by its regulations. The FA’s actions have given reason to raise the question of whether religious speech on clothing is materially disruptive or genuinely objectionable, particularly when it mirrors historic examples such as *Kaka* in the year 2007.

■ **Marc Guehi v The English FA**

Rule A4 of the FA's kit and advertising regulations prohibit the “appearance on, or incorporation in, any item of clothing, football boots or other equipment of any religious message.” This support started on the 29th day of November, 2024 and lasted till the 5th day of December, 2024. Marc Guehi wrote a ‘Jesus loves you’ message on his rainbow captain's armband for Crystal Palace's match at Ipswich Town, despite being reminded by the Football Association that religious messaging on kit is banned.

Premier League clubs were – and still are – wearing rainbow armbands as part of the *Rainbow Laces campaign*, an initiative by the charity Stonewall aimed at promoting LGBTQ+ inclusion in sport. Following Crystal Palace's draw against Newcastle United on Saturday, The Football Association informed Marc Guehi and his club that religious messages on football kits are prohibited. This came after the 24-year-old wore a rainbow armband bearing the inscription, “I love Jesus.”

■ **LEGAL QUESTIONS AND CRITICAL ANALYSIS**

Do clubs and leagues have a legitimate interest in restricting individual expression to protect commercial neutrality?

Clubs and leagues in sports always possess a legitimate interest in restricting individual expression, particularly when such expression threatens commercial neutrality. This interest is deeply rooted in the desire to maintain a neutral, cohesive and commercially viable environment that appeals to a wide range of stakeholders – sponsors, fans, broadcasters and regulatory authorities. By enforcing codes of conducts or uniform regulations, clubs and leagues all aim to prevent politically charged, religious or controversial messages that may disrupt the unity and marketability of the sport or entertainment product. Commercial neutrality is particularly critical in global sports like football, basketball, or the Olympics, where multinational brands invest heavily in sponsorships and expect a predictable and uncontroversial platform for brand exposure.

The legal basis for such restrictions has been argued to typically stem from freedom of contract and employment



law principles which acknowledges that athletes typically enter into contractual agreements that include morality clauses, codes of conduct, and obligations to maintain brand image. These contractual provisions are enforceable as long as they are reasonable, lawful, and proportionate. For instance, FIFA's Laws of the Game prohibit players from displaying personal slogans or religious and political messages during matches, a rule aimed at preserving neutrality and avoiding the politicization of sport. Similarly, the International Olympic Committee has long maintained Rule 50 of the Olympic Charter which bars athletes from engaging in political demonstrations during events or ceremonies.

It should, however, be noted that the legitimate interest of leagues and clubs in maintaining commercial neutrality must be carefully balanced against fundamental human rights such as freedom of expression, freedom of religion, and the right to non-discrimination. These rights are enshrined in various legal instruments, including *Article 10 of the European Convention on Human Rights (ECHR)*, *Article 19 of the International Covenant on Civil and Political Rights (ICCPR)*, and *Article 18 of the Universal Declaration of Human Rights 1948*. Courts and tribunals have generally upheld restrictions that are proportionate and serve a legitimate aim, such as preserving the integrity of the sport. Yet, they have also shown a willingness to invalidate rules that are overbroad or discriminatory. For example, a ban on religious headwear or gestures that do not disrupt play or offend public morals may be challenged as violating freedom of religion.

There have been several high-profile instances illustrating this tension. When *Mesut Özil* resigned from the German national team in 2018 citing racial and political scapegoating, it sparked international debate over the extent to which personal expression could coexist with team neutrality. Conversely, *Marcus Rashford's* campaign against child hunger in the United Kingdom was broadly welcomed and demonstrated that socially beneficial expression can enhance, rather than undermine, a sport's public image. These examples highlight that the legitimacy of restrictions is often context-dependent and that public sentiment and evolving social norms play a critical role in shaping acceptable boundaries.

While clubs and leagues have a legitimate and legally defensible interest in restricting individual expression to protect commercial neutrality, such restrictions must be narrowly tailored, proportionate, and non-discriminatory. They should not infringe upon core human rights or silence legitimate forms of identity, protest, or religious observance. Ultimately, the law supports a balancing act—protecting the commercial and organizational interests of leagues while safeguarding the dignity and rights of individual participants. Failure to maintain this balance risks legal liability, reputational damage, and the erosion of public trust in the fairness and inclusivity of sport.

■ **How should the law handle conflicts between religious freedom and corporate policy?**

Conflicts between religious freedom and corporate policy has generated severe and complex legal/ethical challenges, more particularly in the realm of sports where individual identity often intersects



with institutional standards. The law should begin by affirming that religious freedom is a fundamental right, protected under national constitutions and international instruments such as Article 18 of the International Covenant on Civil and Political Rights, Article 9 of the European Convention on Human Rights and Article 18 of the Universal Declaration of Human Rights 1948. However, this right, while robust is not absolute. It may be subject to limitations where such restrictions are prescribed by law, pursue a legitimate aim – such as public safety, order, or the rights of others – and are necessary and proportionate in a democratic society. This might include dress codes, conduct policies, or branding standards designed to ensure neutrality, commercial harmony or team cohesion.

To properly handle such conflicts, the law must require employers, leagues, and governing bodies to demonstrate that any restriction on religious expression is justified and proportionate. A blanket prohibition on religious attire or gestures, for example, may be deemed unlawful unless the organization can show that it is essential to achieving a legitimate aim and that no less restrictive means are available. Courts and tribunals have supported this approach. In **Eweida v United Kingdom (2013) ECHR 37**, the European Court of Human Rights emphasized the need for a fair balance between corporate interests and personal religious rights. In sports law, this reasoning supports allowing accommodations for religious garments (e.g., hijabs or turbans), unless their use demonstrably interferes with safety or performance. Employers and sports bodies are therefore encouraged to adopt flexible, inclusive policies that

respect diversity while safeguarding legitimate organisational needs.

In a more direct and related note, the European Court of Human Rights has entertained a substantial amount of actions concerning sports within the system of the Council of Europe. Although most of the cases determined by the court – in relation to sports – focus on the right to life, prohibition of torture of inhuman or degrading treatment or punishment, right to liberty and security, right to a fair trial as well as right to private and family life, they have all been consistent in acknowledging the supremacy of the inherent and fundamental rights of individuals superseding corporate interests. Some notable cases also include *Ressiot Others v. France* 2012 28.06.2012. appl. No. 15054/07, 15066/07; *Les Authenticks and Supras Autenil 91 v. France*, 2016 27.10.2016. appl. No. 4696/11, 4703/11; *Herrmann v. Germany*, 2012 26.06.2012. appl. No. 9300/07.

Ultimately, the law should not permit corporate policy to override religious freedom lightly, especially where such policies stem from branding concerns or commercial interests rather than compelling functional reasons. Sports, as a culturally influential sphere, have a duty to model inclusion and tolerance. The legal framework should therefore promote dialogue, reasonable accommodation, and procedural fairness in resolving such disputes. Where necessary, courts must intervene to uphold the primacy of fundamental rights over arbitrary or overly rigid corporate norms. By enforcing this balanced approach, the law can protect individual dignity without undermining the operational integrity of institutions.



■ **Is there a conflict between anti-discrimination goals and personal belief expression?**

Inherently, there exists a conflict between anti-discrimination goals and personal belief/expressions and same is increasingly visible. Campaigns such as *Rainbow Laces* and *Black Lives Matter* – while noble in intent – may clash with players’ religious or political beliefs. If players refuse to participate or express contrary views, regulators must decide whether such dissent is legitimate or a sanctionable breach thereto. A key issue to be considered by sport bodies is consistency. If expressions such as *kneeling for Black Lives Matter* are endorsed while others such as wearing vests with “*I Belong to Jesus*” inscribed are censored, it may be deemed patently discriminatory which courts – more particularly international courts and tribunals – tend to frown upon.

In a bid to ensure fairness and consistency, governing bodies must: (a) apply rules uniformly; (b) offer opt-out mechanisms for personal convictions; (3) distinguish between affirming one’s faith and attacking others. Anti-discrimination laws aim to protect individuals from unfair treatment based on characteristics such as race, gender, religion, or sexual orientation, fostering equality and inclusivity in public and private spheres, including in sports and employment. However, the expression of personal beliefs – particularly religious or political ones – is likewise protected under human rights law. Tensions emerge when such expressions are interpreted as discriminatory or offensive, raising questions about where to draw the line between protecting individual rights and safeguarding others from harm.

The law must approach this tension by carefully balancing both interests, recognising that neither right is absolute. Personal belief expression may be limited where it results in harm, harassment, or exclusion of others, especially in institutional contexts governed by equality duties. For instance, if a player publicly denounces LGBTQ+ rights on religious grounds, a league may have grounds to intervene if the statement undermines its inclusivity policies or creates a hostile environment for others. Courts have generally held that while freedom of expression protects unpopular or minority views, it does not extend to speech that incites hatred or violates the rights of others. Legal principles such as proportionality, context, and intent are therefore critical in adjudicating such cases.

Ultimately, the goal should not be to pit personal belief against anti-discrimination principles but to seek a nuanced balance that respects both. Institutions, including sports organisations, should adopt policies that encourage respectful dialogue and protect against harmful conduct, while allowing space for identity and conscience. The law must support this by ensuring that any restrictions on belief expression are narrowly tailored, justified by a legitimate aim, and proportionate. This approach affirms that human rights are interdependent and must be reconciled, not ranked, in democratic and pluralistic societies.

RECOMMENDATIONS AND BEST PRACTICES

■ **Clarify Expression Guidelines**

Leagues and clubs should provide clearer codes of conduct for religious/political expression, distinguishing between private faith and public advocacy.



Incorporate Human Rights

■ **Language**

Regulatory bodies and associations should harmonize rules with human rights protections, possibly adopting proportionality assessments for enforcement.

■ **Neutral Opt-Outs for Symbolic Campaigns**

Where symbols are used, players should be allowed respectful non-participation on religious grounds, as seen with *Sam Morsy* of *Ipswich Town*.

■ **Establish an Independent Ethics Committee**

In order to best resolve disputes over expression, an independent panel should be set up to further offer principled decisions outside the heat of public controversy.

CONCLUSION

The growing entanglement of faith, identity, and commercial strategy in sports demands a thoughtful legal approach that balances expression with professionalism. The cases of *Cody Gakpo*, *Marc Guehi*, *Husain Abdullah*, *Kaka* and many others exemplify the complexity of regulating expression in a multi-cultural, multi-faith, and highly commercialized sport. Legal frameworks must evolve that neither commercial expediency nor ideological preference trumps fundamental rights. At the same time, players must exercise their rights responsibly while recognizing their position within a global platform shaped by diverse audiences and values.

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